

REMARKS

Applicants respectfully request further examination and reconsideration in view of the amendments above and the arguments set forth fully below. Claims 1-24 were previously pending in this application. By the above amendments, claim 15 is amended. Accordingly, claims 1-24 are currently pending.

Rejections Under 35 U.S.C. § 102

Within the Office Action, claims 1, 2, 4-7, 9-14, 16-20, and 22-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,333,973 issued to Smith et al. (hereinafter “Smith”). The Applicants respectfully traverses this rejection.

Smith teaches a message center and telecommunications equipment system for sending notification messages of different types to the telecommunications equipment, such as a mobile telephone. The mobile telephone has a display for viewing the message notifications and the individual messages when selected. Individual messages are sent to a user of the mobile telephone using different types of devices, such as telephones, facsimile equipment, or computers. Each message is stored by the network services provider 1200, which then sends a short notification message to mobile telephone 1100 notifying the user fo the pending message (Smith, col. 4, lines 21-25, lines 53-56, and lines 61-64). Each notification message corresponds to a single message received and stored by the network services provider 1200. The user of the mobile telephone 110 view the notification messages using the message center 6100 on the mobile telephone 1100. A list 7300 within the message center 6100 displays a compilation of all the notification messages sent to the mobile telephone 1100. Each entry in the list 7300 identifies a received notification message (Smith, Fig. 7A; col. 8, lines 35-41). In other words, Smith teaches a received notification messages list, but this list is a compilation of multiple, different notification messages independently sent by the network services provider 1200 to the mobile telephone 1100. Smith does not teach that the network services provider sends a cumulative mailbox content list that comprises a list of stored messages.

In contrast, the independent claim 1 includes the limitation “wherein the updated mailbox content list comprises a list of stored messages with multiple different message formats” and “transmitting the updated mailbox content list from the server to the wireless device.” Each of the independent claims 7, 14, and 19 includes similar limitations. As described above, Smith does not teach that the network services provider sends a cumulative mailbox content list that

comprises a list of stored messages. For at least this reason, the independent claims 1, 7, 14, and 19 are allowable over Smith.

Rejections Under 35 U.S.C. § 103

Within the Office Action, claims 1, 2, 4-7, 9-14, 16-20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,586 issued to Cloutier et al. (hereinafter “Cloutier”) in view of U.S. Patent No. 6,289,212 issued to Stein et al. (hereinafter “Stein”). The Applicants respectfully traverse this rejection.

Cloutier teaches a system to provide messaging services to alert a message service subscriber to the receipt of a high priority message and to provide the remote retrieval thereof. An email server 110 stores email messages received over the internet 130 (Cloutier, col. 1, lines 26-27). A messaging system server 120 periodically polls the email server 110 for new messages, and if a new email message is received, then a unique message code corresponding to the new email message is generated by the messaging system server 120 (Cloutier, col. 4, line 63 to col. 5, line 4). The unique message code is sent from the messaging system server 120 to the wireless device 170 used by the subscriber (Cloutier, col. 5, lines 17-22).

Stein teaches a system to provide email services across a network. A mobile device 200 is coupled to a network gateway 106 via a wireless network 108. The network gateway 106 is coupled to a mail server 110. The mobile device 200 is used to perform email functions associated with the mail server 110. In order to perform these functions, the mobile device 200 must first download corresponding resources from the mail server 110 to the mobile device memory 204. These resources include email message lists, contents of the messages, menu and data entry screens. Stein teaches a system specifically directed to email services and email messages.

Within the Office Action, it is acknowledged that Cloutier does not teach a message notification being a mailbox content list. Stein is cited as teaching this limitation. As such, Cloutier is cited for teaching new message notifications, but Stein is cited for teaching a mailbox content list. Within the Response to Arguments section, the Examiner specifically states that Cloutier teaches a system associated with multiple different message types. However, the claimed limitations are directed to a mailbox content list including messages with multiple different message formats, and it is the mailbox content list for which Stein is cited, not Cloutier. In evaluating the claimed mailbox content list, it must therefore be the teachings of Stein to which the Examiner must direct the rejection. As described above, Stein teaches a mailbox

content list with messages having only a single message format (email), not multiple different message formats as claimed. The teachings of Cloutier do not apply to the format of the message content list for which Stein is cited.

A new message notification and an updated mailbox content list are two separate and distinct concepts. The new message notification of Cloutier describes how the notification is provided to the wireless device, but the updated mailbox content list describes what is the content of the new message notification. The how and the what are different concepts. The Examiner rejects one by Cloutier, the other by Stein. The Examiner takes the position that Cloutier does not teach a mailbox content list, for which Stein is cited, but the Examiner then takes the contradicting position that Cloutier teaches aspects (e.g. different message formats) of the mailbox content list. In other words, the Examiner contends that Cloutier teaches aspects of a limitation that the Examiner acknowledges Cloutier does not teach in the first place. Either Cloutier teaches a mailbox content list, or Cloutier does not. The Examiner has stated that Cloutier does not, but then attempts to use teachings of Cloutier (directed to the message notification) that are to modify the mailbox content list that it does not teach. Clearly this is a contradiction. Since the Examiner has relied on Stein as teaching the mailbox content list, it must be the teachings of Stein that define limitations associated with the mailbox content list. As Stein does not teach a mailbox content list directed to multiple different message formats, the cited combination of Cloutier in view of Stein does not teach the claimed limitation of a mailbox content list that includes a list of stored messages with multiple different message formats.

The independent claims 1, 7, 14, and 19 each include the limitation “wherein the updated mailbox content list comprises a list of stored messages with multiple different message formats.” As described above, Cloutier in view of Stein does not teach a mailbox content list including messages with multiple different message formats, as claimed. For at least this reason, the independent claims 1, 7, 14, and 19 are allowable over Cloutier in view of Stein.

Claims 2 and 4-6 are all dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over Smith and Cloutier in view of Stein. Accordingly, claims 2 and 4-6 are each also allowable as being dependent upon an allowable base claim.

Claims 9-11 are dependent on the independent claim 7. As discussed above, the amended independent claim 7 is allowable over Smith and Cloutier in view of Stein. As such, the dependent claims 9-11 are each also allowable as being dependent on an allowable base claim.

Claims 16-18 are all dependent upon the independent claim 14. As discussed above, the independent claim 14 is allowable over Smith and Cloutier in view of Stein. Accordingly, claims 16-18 are all also allowable as being dependent upon an allowable base claim.

Claims 20 and 22-24 are all dependent upon the independent claim 19. As discussed above, the independent claim 19 is allowable over Smith and Cloutier in view of Stein. Accordingly, claims 20 and 22-24 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, claims 3, 8, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein and further in view of Applicants Admitted Prior Art. The Applicants respectfully traverse this rejection.

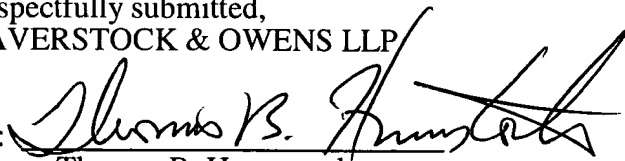
Applicants agree that low data-bandwidth and high data latency networks are known in the art. However, the Applicants do not agree that the methods of claims 1 and 14, and the systems of claims 7 and 19, including a low data bandwidth, high data latency wireless network, as claimed in dependent claims 3, 8, 15, and 21, are well known in the art.

Further, claim 3 is dependent on the independent Claim 1. Claim 8 is dependent on the independent claim 7. Claim 15 is dependent on the independent claim 14. Claim 21 is dependent on the independent claim 19. As discussed above, the independent claims 1, 7, 14, and 19 are each allowable over Cloutier, Stein, and their combination. As such, the dependent claims 3, 8, 15, and 21 are each also allowable as being dependent on an allowable base claim.

For at least the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. If the Examiner should have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be expeditiously resolved.

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Respectfully submitted,
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CERTIFICATE OF MAILING (37 CFR § 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage for first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22303-1450

HAVERSTOCK & OWENS LLP

Date: 5-13-08 By: 